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Application Number	09/854,142
Filing Date	May 10, 2001
First Named Inventor	Ilse Bartke
Group Art Unit	1651
Examiner Name	Jon P. Weber
Attorney Docket Number	305T-900320US

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i>	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT TECH CENTER 1600/2900

Firm or Individual name	Tom Hunter, Reg. No. 38,498,	Quine Intellectual Property Law Group P.C.
Signature		
Date	October 25, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: **October 25, 2002**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ILSE BARTKE et al.

Application No.: **09/854,142**

Filed: **05/10/2001**

For: **NGF FOR THE PREVENTION OF
DEMYELINATION IN THE NERVOUS
SYSTEM.**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is filed in response to the Office Action dated September 26, 2002 containing a Restriction Requirement.

REMARKS

In the September 26, 2002 Office Action the Examiner required restriction to one of the following groups under 35 U.S.C. §121:

Group I: Claims 1-5, 12-15, and 17-25, drawn to a method of preventing demyelination of nerve cells; and

Group II: Claims 6-11, 16, and 26-28, drawn to an NGF composition.

In response to this restriction requirement, Applicants provisionally elect Group I, Claims 1-5, 12-15, and 17-25, with traverse.

Applicants submit that restriction between Groups I and II is unnecessary. According to MPEP §803, the Examiner should examine all claims in an application, even though they are directed to distinct inventions, unless to do so would create a serious burden. In the instant case, the claims of Group II are drawn to NGF compositions, while the claims of Group I are drawn to methods utilizing such compositions. A search for NGF compositions, is expected to identify prior

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art, if it exists, relevant the methods of use of such compositions as well. Thus, a search for art relevant to Groups I and II together, entails no greater burden than a search for art relevant to Group I alone. Accordingly, Examination of Groups I and II together entails no serious burden and the restriction between these groups should be withdrawn.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 337-7871.

QUINE INTELLECTUAL PROPERTY LAW
GROUP, P.C.
P.O. BOX 458
Alameda, CA 94501
Tel: 510 337-7871
Fax: 510 337-7877

Respectfully submitted,



Tom Hunter
Reg. No: 38,498

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